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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,990	10/13/1999	CHRISTOPHER J. LOVETT	MSI-383US	8254
22801	7590	11/24/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			QUELER, ADAM M	
			ART UNIT	PAPER NUMBER
			2179	
DATE MAILED: 11/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/417,990

Applicant(s)

LOVETT ET AL.

Examiner

Adam M Queler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,14,16,17,22 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,14,16,17,22 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment filed 6/22/2004.
2. Claims 1, 3-4, 14, 16-17, 22 and 29 are pending in the case. Claims 1, 14, and 17 are independent claims.

Claim Rejections - 35 USC § 103

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1/2004
3. Claims 1, ~~2~~, 4, 14, 16, 17, 22, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dougherty, "XML Authority Ends Waiting Games for Schema Developers," and further in view of XML Authority™ by Extensibility Inc, hereinafter Authority, and further in view Applicants Admitted Prior Art, and further in view of Bayeh et al. (USPN 6012098 - 2/23/1998).

Regarding independent claim 1, Dougherty teaches converting schema elements into DTD's. Dougherty discloses an editor capable of saving schemas as DTD's (p. 1, para. 4). Dougherty taken as a whole generally describes a product that serves an editor, which allows the user to be able to commit one of the many schema types, while maintaining compatibility with others.

Dougherty does not teach parsing the document into schema and data elements. Authority teaches, "XML Authority imports schema information residing in existing data structures and documents," including XML documents (p. 3). In order to import the schema information, and since XML documents are text documents, inherently they must be parsed in to data and schema elements. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Dougherty and Authority, for the purpose of not limiting the user to any particular schema implementation (Dougherty, p. 1, para. 4 and Authority, p. 3, "Diverse..."). Additionally, they are both descriptions of the same product.

Applicant admits that DTDs were used to validate data elements (p. 6, ll. 17-21).

Applicant also admits that, in prior art systems, after validation the validation node-factory passes the objects to the tree builder node-factory (p. 6, 17-21). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the conversion of Authority with the prior art validation system of Applicant's Admitted Prior Art since a DTD's primary use was to validate XML documents (Dougherty, p.2, para. 1), it would have been logical to use a system that was known in the art at the time of the invention to facilitate the validation. It would have been further obvious to use this approach since it would not limit the user to any particular schema implementation (Dougherty, p. 1, para. 4 and Authority, p. 3, "Diverse...").

Neither Dougherty nor Authority explicitly discloses streaming elements with an API. Bayeh teaches using an API such as a servlet to communicate XML streams (col. 8, ll. 29-35). It would have been obvious to combine the streaming API of Bayeh with the XML processor of Dougherty, Authority, and Applicant's Admitted Prior Art. This combination would communicate allow the schema and data elements to be streams, and pass them using an API. This would be desirable as an API is a well-known programming construct. Additionally, a servlet is easily added to, and extends an existing system (Bayeh, col. 7, ll. 38-45), as well as using widely accepted programming techniques, which increases industry acceptance (Bayeh, col. 3, ll. 54-58).

Regarding dependent claim 4, the computer readable medium for performing the method of claim 1 is rejected under the same rationale.

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Regarding independent claim 14, the architecture for performing the method of claim 1 is rejected under the same rationale.

Regarding dependent claim 16, the computer readable medium for performing the method of claim 1 is rejected under the same rationale.

Regarding dependent claim 17, the client/server for performing the method of claim 14 is rejected under the same rationale.

Regarding independent claim 22, the system for performing the method of claim 1 is rejected under the same rationale.

Regarding dependent claim 29, Dougherty and Authority do not explicitly disclose a node factory but Dougherty does teach that DTD's are used for validation (Dougherty, p.2, para. 1). Applicant admits it was known in the prior art to use a validation node factory to evaluate whether the data elements comply with constraints set forth in the DTD objects (p. 6, 12-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the conversion of Dougherty and Authority with the prior art validation system of Applicant's Admitted Prior Art since a DTD's primary use was to validate XML documents (Dougherty, p.2, para. 1), it would have been logical to use a system that was known in the art at the time of the invention to facilitate the validation. It would have been further obvious to use this approach since it would not limit the user to any particular schema implementation (Dougherty, p. 1, para. 4 and Authority, p. 3, "Diverse...").

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dougherty, Authority, Applicant's Admitted Prior Art, and Bayeh as applied to claim 1 above, and further in view of Hickman et al. (USPN 6564252—filed 3/11/1999).

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Regarding dependent claim 3, Authority is silent as to tables. Hickman et al. (Hickman) discloses tables of schemas (col. 8, ll. 65-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Hickman, Authority and Applicant's Admitted Prior Art in order to provide a place to store the schemas.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 3-4, 14, 16-17, 22 and 29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M Queler whose telephone number is (571) 272-4140.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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